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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,615	10/19/2001	Sunil S. Kadam	NA01-20501	2990
28875	7590	05/22/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,615	KADAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-9,12-16,18-23 and 25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9,12-16,18-23 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to the Pre-Appeal Brief Conference request filed on January 17, 2006.
2. Claims 1-2, 4-9, 12-16, 18-23, and 25 are currently pending consideration.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6-9, 13-16, 18, 20-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (U.S. Patent Pub. No. US 2002/0178028 A1) in view of Larsson et al. (U.S. Patent No. 6,226,747).

Regarding claim 1, King discloses:

A method to facilitate software installation using embedded user credentials, comprising:

receiving a software installation package at a computer (paragraph 8), where the package is transmitted to the consumer;  
extracting an installation program from the software installation package (paragraph 16-17);

determining if a current user has sufficient privileges to run the installation program (paragraph 17-18), wherein the user/hardware information is checked and if its authorized an enabling signal is sent to the software to continue running of the software; if the current user does not have sufficient privileges, recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation program (paragraph 17-18), wherein if the authentication fails, the user can be queried and can establish a new user/hardware identification; and authenticating to the computer using the set of user credentials (paragraphs 17-18), wherein the new hardware/user identifier can be used to allow the program to run; running the installation program on the computer (paragraphs 16-19); wherein the set of user credentials each include a user name and an associated password (paragraphs 16-17), wherein the user information and the associated hardware identifier are interpreted as being a user name and password; wherein an error message is displayed if none of the sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package (paragraph 18).

King does not explicitly disclose that there is a plurality of sets of user credentials. Larsson discloses a license floppy which stores identifiers unique to every computer which is used for groups of users for which license terms apply (column 8 lines 20-31, lines 50-65). King and Larsson are analogous arts in that both use user/hardware identifiers to identity which users/hardware are authorized to users to install a software program. Larsson uses a license floppy to store a plurality of

user/hardware identifiers so that a group of users can be authorized to install the software dictated by a license agreement. It would have been obvious to one of ordinary skill in the art at the time of invention to use a plurality of sets of credentials as taught by Larsson in the system of King, for the purpose of "limiting the number of installations of a computer software program stored on a read-only device such as a compact disk (CD) from the CD to one or more computers" (column 3 lines 43-48).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, King teaches:

The method of claim 1, wherein the software installation package includes an agent, wherein the agent enforces security policies on the computer (paragraph 17), wherein the program checks the authorization and if it is authorized an enabling signal is sent to the software.

Claim 4 is rejected as applied above in rejecting claim 1. King does not explicitly teach recovering a second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication. Larsson discloses recovering a second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication (column 8 lines 51-67). Larsson uses a license floppy to store a plurality of user credentials per the license agreement and the system compares the different identifiers to verify if the particular user is authorized to install the software. King and Larsson are analogous arts in that both use user/hardware identifiers to identify which users/hardware are authorized to users to

install a software program. It would have been obvious to one of ordinary skill in the art at the time of invention to use a plurality of sets of credentials as taught by Larsson in the system of King, for the purpose of "limiting the number of installations of a computer software program stored on a read-only device such as a compact disk (CD) from the CD to one or more computers" (column 3 lines 43-48).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, King discloses:

The method of claim 1, wherein the software installation package is received for a network (paragraph 8).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, King discloses:

The method of claim 1, wherein the software installation package is received on a storage medium (paragraph 13).

Claim 25 is rejected as applied above in rejecting claim 1. King does not explicitly teach recovering a subsequent set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication and then using the subsequent set of user credentials to authenticate the user to the computer. Larsson discloses recovering a subsequent set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication (column 8 lines 51-67). Larsson uses a license floppy to store a plurality of user credentials per the license agreement and the system compares the different identifiers to verify if the

particular user is authorized to install the software. King and Larsson are analogous arts in that both use user/hardware identifiers to identify which users/hardware are authorized to users to install a software program. It would have been obvious to one of ordinary skill in the art at the time of invention to use a plurality of sets of credentials as taught by Larsson in the system of King, for the purpose of "limiting the number of installations of a computer software program stored on a read-only device such as a compact disk (CD) from the CD to one or more computers" (column 3 lines 43-48).

4. Claims 5,12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over over King (U.S. Patent Pub. No. US 2002/0178028 A1) in view of Larsson et al. (U.S. Patent No. 6,226,747) in further in view of Arnold (U.S. Patent 6,956,408).

Claim 5 is rejected as applied above in rejecting claim 1. King and Larsson do not explicitly disclose that the user credentials are encrypted. Arnold discloses a method wherein the installation package (and hence the set of user credentials) is encrypted (column 6 lines 39-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teaches of Arnold with King-Larsson, in order to verify that the data came from the manufacturer of the installed software (column 6 lines 54-57).

Claim 12 is rejected as applied above in rejecting claim 8. King and Larsson do not explicitly disclose that the user credentials are encrypted. Arnold discloses a method

wherein the installation package (and hence the set of user credentials) is encrypted (column 6 lines 39-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teaches of Arnold with King-Larsson, in order to verify that the data came from the manufacturer of the installed software (column 6 lines 54-57).

Claim 19 is rejected as applied above in rejecting claim 15. King and Larsson do not explicitly disclose that the user credentials are encrypted. Arnold discloses a method wherein the installation package (and hence the set of user credentials) is encrypted (column 6 lines 39-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teaches of Arnold with King-Larsson, in order to verify that the data came from the manufacturer of the installed software (column 6 lines 54-57).

5. Claims 8, 9, 13, and 14 and computer-readable medium claims analogous to the method claims 1,2,4, and 6-7 rejected above, and therefore, are rejected using the same reasoning.

6. Claims 15,16,18,20, and 21 are apparatus claims analogous to the method claims 1,2,4, and 6-7 rejected above, and therefore, are rejected using the same reasoning.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
05/13/2006

  
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